



ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624
WWW.ROPESGRAY.COM

July 2, 2010

Daniel J. Maher
T +1 617 951 7165
F +1 617 235 0729
daniel.maher@ropesgray.com

The Honorable Richard J. Holwell
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/22/10

Re: *In re State Street Bank and Trust Co. Fixed Income Funds Investment Litigation*,
MDL No. 1945; *Memorial Hermann Healthcare System and The Health Professionals
Insurance Co., Ltd. vs. State Street Bank and Trust Company*, No. 08 CV 5440
(S.D.N.Y.); *Houston Police Officers' Pension System v. State Street Bank and Trust
Company and State Street Global Advisors, Inc.*, No. 08 CV 5442 (S.D.N.Y.)

Dear Judge Holwell:

On behalf of Plaintiff Houston Police Officers' Pension System ("HPOPS"), Plaintiffs Memorial Hermann Healthcare System and the Health Professionals Insurance Company, Ltd. (collectively, "Memorial Hermann"), and Defendants State Street Bank and Trust Company and State Street Global Advisors, Inc. (collectively, "State Street"), I write to clarify that the agreement described in the letter to this Court dated June 30, 2010 reached by counsel for these three parties regarding the parties' proposed use of documents that have been designated as "Confidential" pursuant to the Stipulated Protective Orders encompasses both (1) the responses to dispositive motions; and (2) the responses to State Street's motions to strike expert witness reports.

Accordingly, HPOPS, Memorial Hermann and State Street have agreed to, and respectfully request the Court's approval of, the following procedure, which comports with Section 10(b) of the Stipulated Protective Orders:

- (i) On or before the July 2, 2010 deadline for filing responses to dispositive motions and to the motions to strike expert witness reports, Plaintiffs HPOPS and Memorial Hermann, and Defendant State Street will electronically serve on one another their respective responses with all exhibits and testimony cited in the responses, including all documents and testimony designated "Confidential."
- (ii) HPOPS, Memorial Hermann and State Street agree that, on or before July 13, 2010, each party will give notice to one another regarding whether it will consent to de-

ROPES & GRAY LLP

- 2 -

July 2, 2010

designate the documents and testimony marked "Confidential" that each party relies upon in support of their respective responses to dispositive motions and to the motions to strike expert witness reports. If the Producing Party consents, the filing party may file the papers and Confidential Discovery Materials in the Court without filing them under seal. If the Producing Party does not consent, the filing party will file any Confidential information pursuant to subsection 10(a) of the Stipulated Protective Orders. HPOPS, Memorial Hermann and State Street agree to file their responses to dispositive motions, and HPOPS and Memorial Hermann agree to file their responses to State Street's motions to strike expert witnesses, in the Court in accordance with this agreement on or before July 19, 2010. HPOPS, Memorial Hermann and State Street may object to the designation of any Discovery Material as Confidential at any time in accordance with Paragraph 7 of the Stipulated Protective Orders.

- (iv) The parties agree that this procedure is consistent with both the April 5, 2010 Scheduling Order and the Stipulated Protective Orders.

HPOPS, Memorial Hermann and State Street respectfully pray that the Court approve this procedure and hope that such review will lead to the public filing of these papers.

Respectfully submitted,

ROPES & GRAY LLP

Daniel J. Maher /ab
Daniel J. Maher
One International Place
Boston, MA 02110
Tel: (617) 951-7000
Fax: (617) 951-7050
daniel.maher@ropesgray.com

SO ORDERED
RICHARD J. HOLWELL
UNITED STATES DISTRICT JUDGE
7/2/10

*Attorneys for Defendants State Street Bank
and Trust Company and State Street Global
Advisors, Inc.*

ROPES & GRAY LLP

- 3 -

July 2, 2010

LOCKE LORD BISSELL & LIDDELL LLP

John R. Nelson

John R. Nelson

100 Congress, Suite 300

Austin, TX 78701-4042

Tel: (512) 305-4868

Fax: (512) 305-4800

/asul
permission

*Attorneys for Plaintiffs Memorial Hermann
Healthcare System and Health Professionals
Insurance Company, Ltd.*

BURFORD & MANEY PC

Robert R. Burford

Robert R. Burford

700 Louisiana, Suite 4600

Houston, TX 77002

T: (713) 222-4046

F: (713) 222-1475

/asul
permission

*Attorneys for Plaintiff Houston Police Officers'
Pension System*

cc: (by e-mail): All Counsel of Record